

KCC 4843 (K-C 15,400)  
PATENTREMARKS

Claims 6, 34, 57, 59 and 60 are canceled; claims 7, 35, 37-39, 41, 44, 52, 55, 58 and 61 are amended and claims 62-65 are added herein. Claims 2-5, 7-22, 24-33, 35, 37-56, 58 and 61-65 will be pending upon entry of this amendment.

The claims are amended herein to put the application in form for allowance and/or to better frame any outstanding issues for appeal. The following remarks are responsive to the final Office action dated April 13, 2004.

I. Response to Rejection of the ClaimsClaim 52

Claim 52 as amended herein is directed to a disposable absorbent article comprising:

a first waist region;

a second waist region;

a crotch region extending longitudinally between the first and second waist regions, the absorbent article being foldable generally within the crotch region to configure said article with the first waist region in generally opposed relationship with the second waist region; and

at least one fastener comprising a single piece of flexible material having an active fastening surface extending continuously thereon, at least a portion of the active fastening surface being located on the fastener for anchoring to said article generally at said first waist region and at least one other portion of the active fastening material being located on the fastener for fastening to said article generally at said second waist region to secure said article on a wearer,

KCC 4843 (K-C 15,400)  
PATENT

the active fastening surface being substantially covered by an active fastening material.

The essence of claim 52 as amended is that the fastener has a continuous active fastening surface, one portion of which is located on the fastener for fastening to a first waist region of the article and another portion of which is located on the fastener for fastening to a second waist region of the article. This allows a generally "fasten anywhere" approach on one or both waist regions of an article.

Amended claim 52 is submitted to be unanticipated by and patentable over the references of record, and in particular Roessler et al., in that whether considered alone or in combination the references fail to show or suggest a disposable absorbent article having at least one fastener comprising a single piece of flexible material having a continuous active fastening surface wherein a portion of the continuous active fastening surface is located on the fastener for anchoring to the article generally at the first waist region and another portion of the continuous active fastening surface is located on the fastener for fastening to the article generally at the second waist region to secure the article on a wearer. Also, the active fastening surface is substantially covered by an active fastening material. In this manner, the active fastening material extends continuously along the entire active fastening surface.

Roessler et al. disclose a diaper 10 with an outer cover 11 having front and rear waistbands 12 and 13 and ear portions 17-20 at each corner of the outer cover. The two ear portions 17 and 18 of the rear waistband 13 include respective tape tabs 30 for fastening the rear waistband 13 onto the front waistband 12 about the body of

KCC 4843 (K-C 15,400)  
PATENT

the wearer. As shown in Figs. 5-9 of Roessler et al., a patch of hook material 31 is bonded to an outboard portion of each tab 30. The inner portions of the tabs 30 are bonded to the ear portions 17 and 18 of the rear waistband 13 to permanently mount the tabs to the waistband.

At page 4 of the final Office action, the Office takes the position that Roessler et al. disclose a single piece fastener having an active fastening surface adapted for both anchoring to the first waist region and fastening to the second waist region of the article. The Office's further position as set forth at pages 8 and 9 of the final Office action is that the hook material at the outboard portion of the tab active fastening surface of Roessler et al. is "adapted for" anchoring to both the first and second waist regions of the article, even though Roessler et al. clearly disclose the hook material as only being used to fasten to one waist region. The tab is permanently bonded to the other waist region.

While applicants disagree with such a position, claim 52 as amended clarifies that a portion of the active fastening surface of the fastener is located on the fastener for anchoring the fastener to the first waist region and another portion of the active fastening surface is located on the fastener for securing the fastener to a second waist region. Roessler et al. clearly fail to disclose or suggest such a feature. Rather, Roessler et al. disclose the hook material as being located on the tab only for fastening to the front waist region of the article.

To the extent that the Office would characterize the adhesive that bonds the inner portion of the tab of Roessler et al. to the back waist region thereof as active fastening material, Roessler et al. would still fail to disclose or suggest that a continuous active fastening surface. Rather, there is a noticeable gap between the

KCC 4843 (K-C 15,400)  
PATENT

outboard hook material portion and the inboard bonded portion of the tab disclosed by Roessler et al.

The other references of record also fail to show or suggest all of the features recited in claim 52.

For these reasons, claim 52 as amended herein is submitted to be unanticipated by and patentable over Roessler et al. and the other references of record.

Claims 2-5, 7-22, 53 and 54, depend directly or indirectly from claim 52 and are submitted to be patentable over Roessler et al. and the other references of record for the same reasons as claim 52.

#### Claim 55

Claim 55 is amended herein and directed to a disposable absorbent article comprising:

- a first waist region;

- a second waist region;

- a crotch region extending longitudinally between the first and second waist regions, the absorbent article being foldable generally within the crotch region to configure said article with the first waist region in generally opposed relationship with second waist region;

- an outer cover;

- a pair of ears generally at the first waist region; and

- at least one fastener comprising a single piece of flexible material having an active fastening surface extending continuously thereon, at least a portion of the active fastening surface being located on the fastener for anchoring to said article generally at said first waist region and at least one other portion of the active fastening material being

KCC 4843 (K-C 15,400)  
PATENT

located on the fastener for fastening to said article generally at said second waist region to secure said article on a wearer, the active fastening surface being substantially covered by an active fastening material.

Claim 55 as amended includes a recitation of at least one fastener that is substantially the same as the fastener recited in amended claim 52.

Claim 55 is therefore submitted to be unanticipated by and patentable over the references of record, and in particular Roessler et al., for essentially the same reasons as set forth above for claim 52. Specifically, Roessler et al. and the other references of record fail to show or suggest a disposable absorbent article having at least one fastener comprising a single piece of flexible material having a continuous active fastening surface wherein a portion of the continuous active fastening surface is located on the fastener for anchoring to the article generally at the first waist region and another portion of the continuous active fastening surface is located on the fastener for fastening to the article generally at the second waist region to secure the article on a wearer.

Claims 24-33, 35 and 56 depend directly or indirectly from claim 55 and are submitted to be patentable over Roessler et al. and the other references of record for the same reasons as claim 55.

## II. Discussion of New Claims

### Claim 62

New claim 62 is directed to a disposable absorbent article having a longitudinal direction and a lateral direction. The article comprises:

KCC 4843 (K-C 15,400)  
PATENT

a first waist region;  
a second waist region;

a crotch region extending longitudinally between the first and second waist regions, the absorbent article being foldable generally within the crotch region to configure said article with the first waist region in generally opposed relationship with the second waist region; and

at least one fastener comprising a single piece of flexible material having an active fastening surface extending continuously thereon, at least a portion of the active fastening surface being located on the fastener for fastening to said article generally at said first waist region and at least one other portion of the active fastening material being located on the fastener for fastening to said article generally at said second waist region to secure said article on a wearer, the active fastening surface comprising an active fastening material, said fastening material being releasably engageable with the article.

New claim 62 is submitted to be patentable over the references of record, and in particular Roessler et al. and Kuen as cited in the final Office action, in that whether considered alone or in combination the references fail to show or suggest an article having at least one fastener having a continuous active fastening surface with one portion of the active fastening surface being located on the fastener for fastening to a first waist region of the article and another portion of the fastening surface being located on the fastener for fastening to a second waist region of the article, and wherein the fastening surface comprises an active fastening material that is releasably engageable with the article.

KCC 4843 (K-C 15,400)  
PATENT

As discussed previously in connection with claim 52, Roessler et al. disclose a diaper 10 with an outer cover 11 having front and rear waistbands 12 and 13 and ear portions 17-20 at each corner of the outer cover. The two ear portions 17 and 18 of the rear waistband 13 include respective tape tabs 30 for fastening the rear waistband 13 onto the front waistband 12 about the body of the wearer. As shown in Figs. 5-9 of Roessler et al., a patch of hook material 31 is bonded to an outboard portion of each tab 30. The inner portions of the tabs 30 are bonded to the ear portions 17 and 18 of the rear waistband 13 to permanently mount the tabs to the waistband.

Roessler et al. fail to disclose or suggest a portion of the active fastening surface of a fastener being located on the fastener for fastening the fastener to the first waist region and another portion of the active fastening surface being located on the fastener for fastening the fastener to a second waist region of the article. Rather, Roessler et al. disclose the hook material as being located on the tab only for fastening to the front waist region of the article. There is no disclosure or suggestion for providing hook material at another location on the tab for fastening to the back waist region.

To the extent that the Office would characterize the adhesive that bonds the inner portion of the tab of Roessler et al. to the back waist region thereof as active fastening material, Roessler et al. would still fail to disclose or suggest a continuous active fastening surface. Rather, there is a noticeable gap between the outboard hook material portion and the inboard bonded portion of the tab disclosed by Roessler et al. Moreover, new claim 62 recites that the active fastening surface is releasably engageable with the article,

KCC 4843 (K-C 15,400)  
PATENT

while the inboard portion of the tab of Roessler is permanently affixed to the article using adhesive.

Kuen discloses a garment that includes a pair of strap members and a garment shell. Hook material (56) is located at each end of the strap to secure the strap to the front and back of the garment shell. Buttons (56) are also provided at each end of the strap for buttoning the strap to the garment shell instead of using the hook material. Kuen clearly fails to show, nor does it suggest, a continuous active fastening surface. Rather, there is a large, non-fastening extent of the strap between the hook material and button at one end of the strap and the hook material and button at the opposite end thereof.

For these reasons, new claim 62 is submitted to be patentable over the references of record.

#### Claim 63

New claim 63 is directed to a disposable absorbent article comprising:

- a first waist region;
- a second waist region;
- a crotch region extending longitudinally between the first and second waist regions, the absorbent article being foldable generally within the crotch region to configure said article with the first waist region in generally opposed relationship with second waist region; and
- at least one fastener comprising a single piece of flexible material comprising an active fastening material, a first portion of the active fastening material being located on the fastener for fastening engagement with said article generally



KCC 4843 (K-C 15,400)  
PATENT

at said first waist region and a second portion of the active fastening material being located on the fastener for fastening engagement with said article generally at said second waist region to secure said article on a wearer, said fastener being affixed to said article generally at said first portion of the active fastening material other than by said active fastening material.

The essence of new claim 63 is that the fastener comprises an active fastening material of which a first portion is located on the fastener for fastening engagement with the article at the first waist region and a second portion is located on the fastener for fastening engagement with the second waist region. In addition to the fastening engagement, the fastener is affixed to the article at the first portion of the active fastening material other than by the active fastening material of the fastener. For example, adhesive or other bonding techniques may be used to permanently affix the fastener to the article at the first portion of the active fastening material.

Claim 63 is submitted to be patentable over the references of record, and in particular Roessler et al. and Kuen, in that whether considered alone or in combination the references fail to show or suggest an article having at least one fastener comprising an active fastening material of which a first portion is positioned on the fastener for fastening engagement with the article at the first waist region and a second portion is located on the fastener for fastening engagement with the second waist region, and wherein the fastener is affixed to the article at the first portion of the active fastening material other than by the active fastening material.

KCC 4843 (K-C 15,400)  
PATENT

As discussed previously, Kuen only discloses the use of refastenable material (e.g., hook material and buttons) on each end of the strap and therefore fail to disclose or otherwise suggest affixing one end of the strap to the article.

Roessler et al. disclose a hook material at an outboard portion of a fastening tab for fastening to the front waist region of the article. The inboard end of the tab is affixed to the article, e.g., by adhesive. However, there is no disclosure or suggestion found in Roessler et al. for providing the hook material or other active fastening material to the inboard end of the tab in addition to the adhesive that affixes the tab to the article. In contrast, new claim 63 recites a first portion of the active fastening material is located on the fastener for fastening to the article, and the fastener is also affixed to the article at the first portion of the active fastening material other than by the active fastening material.

For these reasons, new claim 63 is submitted to be patentable over the references of record.

New claims 64 and 65 depend directly or indirectly from new claim 63 and are submitted to be patentable over the references of record for the same reasons as claim 63.

KCC 4843 (K-C 15,400)  
PATENT

CONCLUSION

In view of the foregoing, consideration and allowance of claims 2-5, 7-22, 24-33, 35, 37-56, 58 and 61-65 as now presented is respectfully requested.

Respectfully submitted,



Richard L. Bridge, Reg. No. 40,529  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

RLB/tmg

VIA FACSIMILE 703-872-9306